

By: Harris

S.B. No. 1148

A BILL TO BE ENTITLED

AN ACT

relating to protecting the confidentiality of certain identifying personal information contained in court records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 74, Government Code, is amended by adding Section 74.0241 to read as follows:

Sec. 74.0241. RULES REGARDING SENSITIVE INFORMATION. (a) In adopting rules of administration under Section 74.024, the supreme court shall require that in each action filed in a court of this state, each person filing a pleading or document in the action must submit to the court and to the other parties to the action a form containing sensitive information relevant to the action as described by Subsection (b). The form may be in paper or electronic format.

(b) Each person filing a pleading or document in an action must include on the sensitive information form the following information, if known by the person and if relevant to the action, with respect to each person involved in the action:

(1) the person's complete:

(A) date of birth and social security number;

(B) bank or other financial account numbers and any corresponding personal identification numbers;

(C) credit card numbers and any corresponding personal identification numbers; and

1 (D) driver's license number and state of issuance
2 and the number of any other identification card issued by a state or
3 the federal government, including a passport, but not including a
4 state bar card;

5 (2) if the person is a victim, as defined by Article
6 56.32, Code of Criminal Procedure, the person's complete address
7 and telephone number; and

8 (3) if the person is a child, the child's full name.

9 (c) Unless the court orders otherwise and except as provided
10 by Subsection (d), a person filing a pleading or another document in
11 an action may not include any of the information described by
12 Subsection (b)(1), (2), or (3) in the pleading or document,
13 regardless of:

14 (1) whether the pleading or document is filed in paper
15 or electronic format; or

16 (2) the identity of the person to whom the information
17 relates.

18 (d) Unless the court orders otherwise, if information
19 described by Subsection (b)(1), (2), or (3) is required to be
20 included in a pleading or other document filed in an action, the
21 person filing the pleading or document must refer to the
22 information in the following manner:

23 (1) if the information is a social security number or
24 is a bank or other financial account number, credit card number, or
25 a corresponding personal identification number, the person may only
26 use the last four digits of the number;

27 (2) if the information relates to the identity of a

1 child, the person may only use the child's initials; and

2 (3) if the information refers to a date of birth, the
3 person may only use the month and year of the date of birth.

4 (e) A person who files a pleading or other document in an
5 action and the person's attorney, if applicable, shall ensure that
6 information described by Subsection (b)(1), (2), or (3) is omitted
7 or redacted from the pleading or other document, except as provided
8 by Subsection (d) or as otherwise ordered by the court. The court,
9 including the court clerk, is not required to review the pleading or
10 document to determine whether the information included in the
11 pleading or document complies with this section.

12 (f) Unless the court orders otherwise and notwithstanding
13 Rule 12, Texas Rules of Judicial Administration, information
14 contained on the sensitive information form is confidential and not
15 subject to public release under Chapter 552 by any means, including
16 by electronic means.

17 (g) The supreme court shall adopt rules of administration to
18 implement and supplement this section. The rules must:

19 (1) further the purpose of preventing identity theft
20 and other forms of financial exploitation by minimizing the
21 distribution and publication of identifying personal information
22 contained in court records;

23 (2) include procedures to ensure that persons filing
24 pleadings and other documents in actions comply with the
25 requirements of this section; and

26 (3) include standards for use by a court in
27 determining whether to order:

1 (A) a person to include information in a pleading
2 or other document that would otherwise be excluded under
3 Subsections (c) and (d); or

4 (B) the release of otherwise confidential
5 information under Subsection (f).

6 (h) To the extent this section conflicts with the Texas
7 Rules of Judicial Administration or other rules, this section
8 controls.

9 SECTION 2. The Texas Supreme Court shall adopt the rules
10 required by Section 74.0241, Government Code, as added by this Act,
11 not later than December 1, 2005. The rules adopted by the Texas
12 Supreme Court under that section apply to a pleading or other
13 document filed on or after December 1, 2005, regardless of the date
14 the action to which the pleading or document pertains was filed.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.